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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BOBBY LEN FRANKLIN; et al.,

Plaintiffs-Appellants,

v.

UNITED STATES BUREAU OF LAND
MANAGEMENT; et al.,

Defendants-Appellees.

No. 04-16698

D.C. No.
CV-04-00128-RLH/PAL

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert L. Hunt, District Judge, Presiding

Submitted March 23, 2005**

Before: B. FLETCHER, TROTT, and PAEZ, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Therefore, Appellants' motion for oral argument is denied.

Bobby Len Franklin, Robert Lee Franklin, and Donna Sue Owens appeal pro se from the district court's judgment dismissing their appeal from the Department of Interior Board of Land Appeals' decision affirming the Bureau of Land Management's denial of their application for Desert Land Entry under 42 U.S.C. § 321 *et seq.* Appellants also appeal the district court's order denying their motion for relief from judgment and their motion for trial by jury. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo the district court's determination that it lacked subject matter jurisdiction, *see Botsford v. Blue Cross & Blue Shield of Montana, Inc.*, 314 F.3d 390, 392 (9th Cir. 2002), and for abuse of discretion its denial of a motion to reconsider, *see Ayers v. City of Richmond*, 895 F.2d 1267, 1269 (9th Cir. 1990).

We affirm for the reasons set forth in the district court's orders dated June 8, 2004 and July 30, 2004.

Appellants' remaining contentions are unpersuasive.

AFFIRMED.